

REMARKS


For reasons that follow, Applicant respectfully submits that the previous Office Action's rejection of claims 1-32 is in error and should be withdrawn.

- i) Enclosed is a copy of the previous Office Action mailed October 24, 2001 (Office Action #1) rejecting claims 1-32 under obviousness-type double patenting over claims 1-22 of U.S. Pat. No. 6,149,620. This rejection is in error since Applicant requested cancellation of claims 1-10 and 21-32 upon filing of the subject application.
- ii) Enclosed is copy of the Transmittal containing instructions for the cancellation of claims 1-10 and 21-32. For the Examiner's convenience, these instructions are circled.
- iii) Enclosed is a copy of an Office Action mailed November 28, 2001 (Office Action #2.) The Examiner will note that the Cover Sheet of Office Action #2 lists Application No. 09/457,201 while the Office Action Summary Sheet lists the subject application (09/586,295.) Applications 09/457,201 and the subject application are commonly assigned applications, both claiming benefit to U.S. Patent Application 09/248,763, now U.S. Patent No. 6,149,620.
- iv) Based upon the number of claims cited in the Office Action Summary Sheet of Office Action #2, Applicant believes that the Cover Sheet of Office Action #2 incorrectly referenced Application No. 09/457,201 and that Office Action #2 was properly intended for the subject application.

For the above stated reasons, Applicant believes the claims 11-20 of the subject application are in condition for allowance. However, Applicant will appreciate formal confirmation of the allowance of these claims.

If the Examiner believes a telephone call will assist in further explanation of the above or will expedite allowance of the subject application, a call to the undersigned attorney at (408) 736-0224 will be greatly appreciated.

Respectfully submitted,


Sanjay S. Bagade
Reg. No. 42,280

ArthroCare Corporation
680 Vaqueros Avenue
Sunnyvale, California 94085-3523
(408) 736-0224